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March 28, 2013

By ECF

Hon. Nina Gershon, U.S.D.J.
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Brito, et al. v. Rancho Jubilee LLC, et al.
Case No. 11-CV-4101 (NG) (RER)

Dear Judge Gershon,

We are counsel to the plaintiffs in the above matter. It has recently been brought to our attention that the corporate defendant, Rancho Jubilee LLC, has filed for Chapter 11 Bankruptcy protection in the United States Bankruptcy Court for the Eastern District of New York (Case No. 1-13-41062-cec). The individual defendants, however, have not filed for personal bankruptcy. Consequently, the automatic stay protection is not afforded to the individual defendants, and it is plaintiffs' desire that their claims against such individuals be severed. On March 20, 2013, we made a written request to defense counsel asking that he stipulate to the severance of plaintiffs' claims as against the individual defendants. To date, we have not received a response to that request.

Therefore, plaintiffs respectfully request leave to file a motion to sever or, in the alternative, seek a pre-motion conference.

We thank the Court for considering this application.

Respectfully submitted,



Justin Cilenti

JC/mjz
cc: Nestor Rosado, Esq. (by ECF)